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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,466	03/20/2001	Brian Collamore	10010175-1	1951

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EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,466

Applicant(s)

COLLAMORE ET AL.

Examiner

Matthew B. Smithers

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, 13-18 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,836,877 granted to Zavislan.

Regarding claim 8, Zavislan meets the claimed limitation as follows:

"A method for applying an electronic signature to a report associated with an image file, the method comprising the steps of:

acquiring a diagnostic image using an image acquisition device;" see column 3, line 64 to column 4, line 9; column 5, line 66 to column 6, line 28 and Figure 1.

forwarding the diagnostic image to a computer;

providing the report associated with the image file to the computer;

storing a plurality of electronic signature files in a memory associated with a computer; and associating one of the plurality of electronic signature files with the report and/or

diagnostic image.” see column 4, line 10 to column 5, line 34; column 8, line 27 to column 10, line 12 and Figures 3 and 4.

Regarding claim 9, Zavislan meets the claimed limitation as follows:

“The method of claim 8, wherein each of the plurality of electronic signature files corresponds to a signature of a user of the computer.” see column 4, line 10 to column 5, line 34; column 8, line 27 to column 10, line 12 and Figures 3 and 4.

Regarding claim 10, Zavislan meets the claimed limitation as follows:

“The method of claim 9, further comprising the step of using a client application to instruct the computer to associate one of the plurality of electronic signature files with the diagnostic image.” see column 4, line 10 to column 5, line 34; column 8, line 27 to column 10, line 12 and Figures 3 and 4.

Regarding claim 11, Zavislan meets the claimed limitation as follows:

“The method of claim 10, further comprising the step of presenting to a user of the image management system a plurality of choices from which the user identifies him or herself as the user of the image management system so that the electronic signature file associated with the diagnostic image corresponds to the user of the image management system.” see column 4, line 10 to column 5, line 34; column 8, line 27 to column 10, line 12 and Figures 3 and 4.

Regarding claim 13, Zavislan meets the claimed limitation as follows:

“The method of claim 11, further comprising the step of requiring a password before associating one of the plurality of electronic signature files with the diagnostic image.” see column 9, lines 1-25.

Regarding claim 14, Zavislan meets the claimed limitation as follows:

"The method of claim 8, further comprising the steps of: coupling the image acquisition device to the computer system over a network; and electronically transferring the diagnostic image over the network." see column 4, line 10 to column 5, line 34; column 8, line 27 to column 10, line 12 and Figures 3 and 4.

Claims 1, 2, 3, 4, 6, and 7 are system claims that are substantially equivalent to method claims 8, 9, 10, 11, 13, and 14, respectively. Therefore claims 1, 2, 3, 4, 6, and 7 are rejected by a similar rationale.

Claims 15, 16, 17, 18, 20, and 21 are computer readable medium claims that are substantially equivalent to method claims 8, 9, 10, 11, 13, and 14, respectively. Therefore claims 15, 16, 17, 18, 20, and 21 are rejected by a similar rationale.

Claims 1-4, 7-11, 15-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,867,821 granted to Ballantyne.

Regarding claim 8, Ballantyne meets the claimed limitation as follows:

"A method for applying an electronic signature to a report associated with an image file, the method comprising the steps of:

acquiring a diagnostic image using an image acquisition device;" see column 11, lines 24-27 (By means of a PDA . . . modified with up-to-date medical diagnostic data.)

"forwarding the diagnostic image to a computer;

providing the report associated with the image file to the computer;
storing a plurality of electronic signature files in a memory associated with a computer;
and associating one of the plurality of electronic signature files with the report and/or
diagnostic image.” see column 12, line 9 to column 13, line 41; (The PDA transfers the
modified health record . . . to the PCS . . . When the physician or nursing staff return to
the nursing station, the medical personnel signs their signature on the PDA tablet
display with their personalized signature pen. Validation of their signature with the pen's
internally stored master signature, authenticates . . .); column 14, line 45 to column 15,
line 39 and figures 12A and 12B.

Regarding claim 9, Ballantyne meets the claimed limitation as follows:

“The method of claim 8, wherein each of the plurality of electronic signature files
corresponds to a signature of a user of the computer.” see column 12, line 9 to column
13, line 41; (The PDA transfers the modified health record . . . to the PCS . . . When the
physician or nursing staff return to the nursing station, the medical personnel signs their
signature on the PDA tablet display with their personalized signature pen. Validation of
their signature with the pen's internally stored master signature, authenticates . . .);
column 14, line 45 to column 15, line 39 and Figures 12A and 12B.

Regarding claim 10, Ballantyne meets the claimed limitation as follows:

“The method of claim 9, further comprising the step of using a client application to
instruct the computer to associate one of the plurality of electronic signature files with
the diagnostic image.” see column 12, line 9 to column 13, line 41; (The PDA transfers
the modified health record . . . to the PCS . . . When the physician or nursing staff return

to the nursing station, the medical personnel signs their signature on the PDA tablet display with their personalized signature pen. Validation of their signature with the pen's internally stored master signature, authenticates . . .); column 14, line 45 to column 15, line 39 and Figures 12A and 12B.

Regarding claim 11, Ballantyne meets the claimed limitation as follows:

"The method of claim 10, further comprising the step of presenting to a user of the image management system a plurality of choices from which the user identifies him or herself as the user of the image management system so that the electronic signature file associated with the diagnostic image corresponds to the user of the image management system." see column 12, line 9 to column 13, line 41; (The PDA transfers the modified health record . . . to the PCS . . . When the physician or nursing staff return to the nursing station, the medical personnel signs their signature on the PDA tablet display with their personalized signature pen. Validation of their signature with the pen's internally stored master signature, authenticates . . .); column 14, line 45 to column 15, line 39 and Figures 12A and 12B.

Regarding claim 14, Ballantyne meets the claimed limitation as follows:

"The method of claim 8, further comprising the steps of: coupling the image acquisition device to the computer system over a network; and electronically transferring the diagnostic image over the network." see column 4, lines 36-41; see column 5, line 60 to column 6, line 17; column 6, line 39 to column 7, line 22 (Fig. 3 . . . platform **90** is integrated into the system controller of the diagnostic system. These platforms provide a uniform graphical user interface at each diagnostic systemThe uniform platform

includes . . . web services connectivity module 108 . . . Web services module connectivity module 108 is coupled to a license module 114 . . .); column 9, line 59 to column 10, line 36 and Figure 3.

Claims 1, 2, 3, 4, and 7 are system claims that are substantially equivalent to method claims 8, 9, 10, 11, and 14, respectively. Therefore claims 1, 2, 3, 4, and 7 are rejected by a similar rationale.

Claims 15, 16, 17, 18, and 21 are computer readable medium claims that are substantially equivalent to method claims 8, 9, 10, 11, and 14, respectively. Therefore claims 15, 16, 17, 18, and 21 are rejected by a similar rationale.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-12, 14-19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,816,842 granted to Singh et al.

Regarding claim 8, Singh meets the claimed limitation as follows:

"A method for applying an electronic signature to a report associated with an image file, the method comprising the steps of:

acquiring a diagnostic image using an image acquisition device;" see column 4, lines 36-41

"forwarding the diagnostic image to a computer;
providing the report associated with the image file to the computer;
storing a plurality of electronic signature files in a memory associated with a computer;
and associating one of the plurality of electronic signature files with the report and/or diagnostic image." see column 3, lines 18-32; column 8, line 51 to column 9, line 5 (. . . servers 150, 152, 154 . . . for storing . . . report files . . . Message and report servers 152 and 154 are further coupled . . . to . . . ensure proper connectivity to diagnostic systems and coordinate transmission of messages to the diagnostic systems . . .); column 9, line 59 to column 10, line 12; and column 11, lines 6-47.

Regarding claim 9, Singh meets the claimed limitation as follows:

"The method of claim 8, wherein each of the plurality of electronic signature files corresponds to a signature of a user of the computer." see column 10, lines 26-36.

Regarding claim 10, Singh meets the claimed limitation as follows:

"The method of claim 9, further comprising the step of using a client application to instruct the computer to associate one of the plurality of electronic signature files with the diagnostic image." see column 5, line 60 to column 6, line 17; column 6, line 39 to column 7, line 22 (Fig. 3 . . . platform 90 is integrated into the system controller of the diagnostic system. These platforms provide a uniform graphical user interface at each

diagnostic systemThe uniform platform includes . . . web services connectivity module 108 . . . Web services module connectivity module 108 is coupled to a license module 114 . . .); column 9, line 59 to column 10, line 36 and Figure 3.

Regarding claim 11, Singh meets the claimed limitation as follows:

"The method of claim 10, further comprising the step of presenting to a user of the image management system a plurality of choices from which the user identifies him or herself as the user of the image management system so that the electronic signature file associated with the diagnostic image corresponds to the user of the image management system." see column 4, lines 36-41; see column 5, line 60 to column 6, line 17; column 6, line 39 to column 7, line 22 (Fig. 3 . . . platform **90** is integrated into the system controller of the diagnostic system. These platforms provide a uniform graphical user interface at each diagnostic systemThe uniform platform includes . . . web services connectivity module 108 . . . Web services module connectivity module 108 is coupled to a license module 114 . . .); column 9, line 59 to column 10, line 36 and Figure 3.

Regarding claim 12, Singh meets the claimed limitation as follows:

"The method of claim 11, where the image acquisition device is an ultrasound diagnostic device." see column 4, lines 36-41.

Regarding claim 14, Singh meets the claimed limitation as follows:

"The method of claim 8, further comprising the steps of: coupling the image acquisition device to the computer system over a network; and electronically transferring the diagnostic image over the network." see column 4, lines 36-41; see column 5, line 60 to

column 6, line 17; column 6, line 39 to column 7, line 22 (Fig. 3 . . . platform **90** is integrated into the system controller of the diagnostic system. These platforms provide a uniform graphical user interface at each diagnostic systemThe uniform platform includes . . . web services connectivity module 108 . . . Web services module connectivity module 108 is coupled to a license module 114 . . .); column 9, line 59 to column 10, line 36 and Figure 3.

Claims 1, 2, 3, 4, 5, and 7 are system claims that are substantially equivalent to method claims 8, 9, 10, 11, 12, and 14, respectively. Therefore claims 1, 2, 3, 4, 5, and 7 are rejected by a similar rationale.

Claims 15, 16, 17, 18, 19, and 21 are computer readable medium claims that are substantially equivalent to method claims 8, 9, 10, 11, 12, and 14, respectively. Therefore claims 15, 16, 17, 18, 19, and 21 are rejected by a similar rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


A. Kuth (US 6,684,093) discloses a medical diagnosis apparatus acquiring individual distinctive features of a patient.

B. Conner et al. (us 5,579,393) discloses a system and method for securely transmitting medical and/or dental records from a provider system to a payer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew B Smithers
Primary Examiner
Art Unit 2137